IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 3212 of 2005

Between:

1 Koduru Tirupal Reddy, S/o. Koduru Venkat Reddy,
Sarpanch of Sundaragirivari Kandriga, residing at Sundaragirivari Kandriga,
Bogole Mandal, Nellore District.

2 Koduru Nagi Reddy, S/o. Venkataswamy Reddy,
residing at Sundaragirivari Kandriga,
Bogole Mandal, Nellore District.

..... PETITIONERS

AND

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Bogolu Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the final voters list purported to have been notified under sub-rule 6 of Rule 9 by the 3rd Respondent with respect to Sundaragirivari Kandriga Tank Water Users' Association, Sundaragirivari Kandriga, Bogole Mandal, Nellore District as illegal and arbitrary.

Counsel for the Petitioners: MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following :

O R D E R:

Aggrieved by the preparation of the final list of land holders by the third respondent in respect of Sundaragirivari Kandriga Tank Water Users' Association and seeking inclusion of names of certain land holders therein, the petitioners preferred an appeal to the first respondent on 11-02-2005. The first petitioner preferred another appeal on 15-02-2005 requesting deletion of certain names from the said list. Thereafter on 17-02-2005, this writ petition was filed challenging the final voters list prepared by the third respondent under Rule 9 (6) of the Andhra Pradesh Farmers' Management of Irrigation Systems (Delineation and formation of water users associations) Rules, 2003 (hereinafter referred to as 'the Rules').

The learned Government Pleader has obtained instructions from the first respondent through a fax message dated 17-02-2005, wherein it is stated that a

provisional voters list was published by the third respondent on 28-01-2005 in Form-D under Rule 9 (2) of the Rules, objections were invited and then the final voters list was prepared on 09-02-2005 after enquiry into the claims and objections received. The first respondent also, in these instructions, states that the two appeals dated 11-02-2005 and 15-02-2005 are pending consideration before him.

As the petitioners have already pursued the appellate remedies under Rule 10 of the Rules, in the considered view of this Court, they cannot be permitted to simultaneously pursue the remedies herein. As the instructions of the first respondent as received by the learned Government Pleader record that no elections to the water users associations in the State are being considered in the near future, the petitioners' grievance could be remedied by directing the first respondent to expeditiously dispose of the appeals preferred by them, preferably within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of as above. No costs.

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(**GODA RAGHURAM, J**)

Date: 22-02-2005
ghn/sh

To

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Bogolu Mandal, Nellore District.
4 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)
5 Two CD copies.